

REMARKS

Claims 1-16 are pending in the present application, of which claim 12 has been amended. Claim 12 has been amended to delete the term “in a sealed container”.

Applicant has attached herewith a certified English language translation of the priority application, Japan HEI 11-284871. Accordingly, Applicant respectfully submits that it has perfected its priority claim under 35 U.S.C. § 119 and should be granted a filing date of 10/5/1999, the filing date of the priority document. The currently pending claim are believed fully supported by the priority document. See, e.g., page 5, second full paragraph. The priority document does not recite the exact phrase that the sensor is in a “sealed container” as noted, for example, in Example 1, page 17, last full paragraph of the present specification. However, the priority document does recite that the sensor was stored for one week at 40 °C in the examples (see, e.g., page 16, second paragraph of the priority document). Nevertheless, only claims 1-11 recite that the sensor is in a sealed container, claims 12-16 do not include this phrase.

Rejection Under 35 U.S.C. § 102

Claims 12 and 16 were rejected under 35 U.S.C. § 102(a) as being unpatentable over Yoshioka (EP 992589). The rejection is traversed and it is respectfully submitted that Applicant's perfected priority obviates this rejection.

The Yoshioka reference has a publication date of April 4, 2000. Applicant respectfully submits that it is entitled to a filing date of October 5, 1999. Accordingly, Yoshioka does not qualify as prior art.

Rejection Under 35 U.S.C. § 103

Claims 1-11 and 13-15 were rejected under 35 U.S.C. § 103 as being unpatentable over Yoshioka in view of Akio (JP 09-262086). The rejection is traversed and it is respectfully submitted that the claims are patentable within the meaning of 35 U.S.C. § 103.

As noted above, the Yoshioka reference has a publication date of April 4, 2000. Applicant respectfully submits that it is entitled to a filing date of October 5, 1999. Accordingly, the rejection has been overcome with at least respect to claims 13-15.

Further, independent claims 1 and 12 require that the reaction layer contain an admixture of at least pyrrolo-quinoline quinine dependent glucose dehydrogenase and at least one additive selected from the specified group. Dependent claims 2-11 and 13-15 further define aspects of the sensor.

In contrast, Akio requires that its enzyme be immobilized by a coordinated bond, which forms a composite with the substrate, i.e., a covalently bonded immobilized enzyme. It is respectfully submitted that this teaching is the opposite of claims 1 and 12. These claims require that the reaction layer contain an admixture of the enzyme and the additive. As discussed in the present specification, the solubility of the enzyme and additive facilitate the performance of the glucose sensor. This advantage, however, is not recognized or acknowledged in the cited art. Indeed, Akio teaches the opposite of the claimed subject matter. For this reason alone, it is respectfully submitted that the combined references do not negate the patentability of claims 1 and 12. Accordingly, favorable consideration and allowance of the application are respectfully solicited.

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Based on the foregoing, it is respectfully submitted that the claims pending in the current application are in condition for allowance. Favorable consideration and allowance of the application are respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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